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MOTOROLA, INC.
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DEC 16 2003

OFFICE OF PETITIONS

In re Application of
Joseph Rinchiuso et al.
Application No. 09/760,039
Filed: January 12, 2001
Attorney Docket No.: CE08395R
Title: PACKET DATA TRANSMISSION
WITHIN A BROAD-BAND
COMMUNICATION SYSTEM

DECISION ON PETITION
UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition filed on September 24, 2001, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The Office regrets the delay in issuing this decision. The petition was only recently forwarded to the Office of Petitions.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice²), mailed February 23, 2001, which set a shortened statutory period for reply of two (2) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on April 24, 2001.

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
 - (2) The petition fee as set forth in § 1.17(m);
 - (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
 - (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.
- ² The Notice indicated that an oath or declaration along with the associated fee, and substitute drawings would be required.

With this petition, petitioner submitted the petition fee, the filing fee, the fee associated with the late filing of an oath or declaration, and a declaration.

The instant petition is not grantable because requirement (1) again has not been satisfied.

Regarding the first requirement above, the petitioner has failed to submit the complete required reply, in that he has not submitted substitute drawings, as required by the notice. It is noted that on November 2, 2001, a Notice of Incomplete Reply (Nonprovisional) was sent to the petitioner, reminding him that substitute drawings were required.

Therefore, this petition under 37 C.F.R. §1.137(b) is **DISMISSED**.

On renewed petition, petitioner must submit the required reply.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

The reply to this letter may be submitted by mail³, hand-delivery⁴, or facsimile⁵. **Please note that the later two have changed, as of December 1, 2003.**

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.



Paul Shanowski
Attorney
Office of Petitions
United States Patent and Trademark Office

³ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

⁴ Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202

⁵ (703) 872-9306.